

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

MONTGOMERY

County

For Prothonotary Use Only:

Docket No:

2015-28935

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action: <input type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition <input type="checkbox"/> Transfer from Another Jurisdiction <input checked="" type="checkbox"/> Declaration of Taking	
Lead Plaintiff's Name: IN RE: CONDEMNATION OF 7.9 ACRES OF LAND WITH	Lead Defendant's Name: TANK CAR CORPORATION OF AMERICA
Are money damages requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dollar Amount Requested: <input type="checkbox"/> within arbitration limits (check one) <input type="checkbox"/> outside arbitration limits
Is this a Class Action Suit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an MDJ Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: JAMES J. GARRITY, ID NO. 26926 JOSEPH M. BLACKBURN, ID NO. 314041 <input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

SECTION B

Nature of the Case: Place an "X" to the left of the <u>ONE</u> case category that most accurately describes your PRIMARY CASE . If you are making more than one type of claim, check the one that you consider most important.		
TORT (do not include Mass Tort) <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other:	CONTRACT (do not include Judgments) <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other <input type="checkbox"/> Other:	CIVIL APPEALS Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other:
MASS TORT <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other:	REAL PROPERTY <input type="checkbox"/> Ejectment <input checked="" type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other:	MISCELLANEOUS <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other:
PROFESSIONAL LIABILITY <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional:		



2015-28935-0000 10/30/2015 3:20 PM # 10538538
Declaration of Taking Eminent Domain Govt

Rept#2015-6-03104 Fee:\$62.50

Mark Levy - MontCo Prothonotary

Updated 1/1/2011

Q1

JAMES J. GARRITY, ESQUIRE

Attorney I.D. No. 26926

JOSEPH M. BLACKBURN, ESQUIRE

Attorney I.D. No. 314041

WISLER PEARLSTINE, LLP

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(610) 825-8400

Attorneys for Condemnor,
Springfield Township

IN RE: CONDEMNATION OF 7.9± ACRES OF LAND WITH THE IMPROVEMENTS THEREON AT 1725 WALNUT AVENUE, SPRINGFIELD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, OF WHICH TANK CAR CORPORATION OF AMERICA IS THE OWNER AND CONDEMNEE	IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PA No. 2015- 08935 PROCEEDING IN REM EMINENT DOMAIN
TANK CAR CORPORATION OF AMERICA, CONDEMNEE 1252 Fort Washington Avenue Fort Washington, PA 19034	

DECLARATION OF TAKING

Springfield Township hereby files this Declaration of Taking based on the provisions of Chapter 3, Section 302, of the Pennsylvania Eminent Domain Code ("Code"), 26 Pa.C.S. §302, and in support thereof represents the following:

1. The Condemnor is Springfield Township ("Township"), a township of the first class, duly organized under the laws of the Commonwealth of Pennsylvania, acting through its Board of Commissioners, with an office located at 1510 Paper Mill Road, Wyndmoor, Montgomery County, Pennsylvania 19038.

2. Condemnor has resolved to condemn approximately 7.9± acres of land and the improvements thereon, located at 1725 Walnut Avenue, in Springfield Township, Montgomery

County, Pennsylvania, being located on, in and through Montgomery County Tax Parcel Identification No. 52-00-17821-00-1 (the "Property").

3. This condemnation is authorized by the First Class Township Code, Article XIX, 53 P.S. §56901, and Article XXX, 53 P.S. §58001.

4. The taking described herein has been authorized by Township Resolution No. 1357, which was duly adopted by the Township Board of Commissioners on September 8, 2015. A true and correct copy of said Resolution is attached hereto, made a part hereof and is marked as Exhibit "A". The original of said Resolution and the record of its adoption may be examined at the above-identified office of the Township during normal business hours.

5. The purpose of the within condemnation is to acquire the Property described above and in the attached exhibits for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas within the Township.

6. A plan depicting the Property sufficiently enough for its identification is attached hereto and incorporated herein by reference as Exhibit "B". The plan showing the Property is on even date herewith being recorded in the office of the Recorder of Deeds in and for Montgomery County in accordance with §304 of the Code, and may also be inspected at the above-identified office of the Township.

7. The nature of the title acquired in and to the Property is fee simple absolute.

8. Just compensation for the taking of the Property in this matter is secured by the power of taxation of the Township, and the funds raised, or lawfully to be so raised, are deemed pledged and are hereby made security for the payment of damages as shall be determined by law.

WHEREFORE, the Township of Springfield declares the within-described Property condemned and appropriated for the public purposes mentioned herein.

WISLER PEARLSTINE, LLP

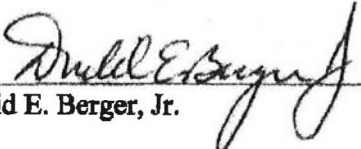
By: 

JAMES J. GARRITY, ESQUIRE
JOSEPH M. BLACKBURN, ESQUIRE
Blue Bell Executive Campus
460 Norristown Road, Suite 110
Blue Bell, PA 19422
(610) 825-8400
Attorneys for the
Township of Springfield, Condemnor

Date: October 30, 2015

VERIFICATION

I, Donald E. Berger, Jr., Secretary and Township Manager of Springfield Township, do hereby depose, swear and affirm that I am authorized by and do hereby execute this Declaration of Taking on behalf of the Township of Springfield, Montgomery County, Pennsylvania, and that the averments contained and set forth herein are true and correct to the best of my knowledge, information and belief, and are made subject to penalties provided in 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



Donald E. Berger, Jr.



2015-28935-0000 10/30/2015 3:20 PM # 10538614
Declaration of Taking Eminent Domain Govt

Rept#2015-6-03104 Fee:\$62.50 Exhibit A
Mark Levy - MontCo Prothonotary

EXHIBIT "A"

TOWNSHIP OF SPRINGFIELD
MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 1357

**AUTHORIZING THE CONDEMNATION OF A CERTAIN
PARCEL OF LAND AND IMPROVEMENTS THEREON
LOCATED AT 1725 WALNUT AVENUE, SPRINGFIELD
TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA**

WHEREAS, the First Class Township Code, 53 P.S. §55101, *et seq.*, Sections 56901 and 58001, grant Townships of the First Class the authority to acquire property via condemnation for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas; and

WHEREAS, the Township of Springfield's ("Township") 2008 Park and Recreation Connections Plan, 2014 Comprehensive Plan, and 2005 Open Space Plan each identify a Township objective of acquiring additional properties for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas; and

WHEREAS, the Township's 2008 Park and Recreation Connections Plan and 2005 Open Space Plan each specifically identify that parcel of land located at 1725 Walnut Avenue, Springfield Township, Montgomery County, Pennsylvania, being Montgomery County tax parcel number 52-00-17821-00-1 (the "Property"), as a property that would be desirable and suitable for acquisition for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas; and

WHEREAS, the Township, being a Township of the First Class, has determined that it is in its best interest of the public to acquire the Property for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas, and for other municipal purposes; and

WHEREAS, the Board of Commissioners of the Township (the "Board") intends to authorize the acquisition of the Property through condemnation for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas, and for other municipal purposes; and

NOW, THEREFORE, be it resolved that the Board hereby authorizes the condemnation in fee simple of the entirety of the Property for the public purpose of making, establishing, enlarging, and maintaining public parks, playgrounds, and recreation areas, and for other municipal purposes. Further, the Board authorizes the Township Solicitor to prepare and file the appropriate documents in order to accomplish the same and the Township Manager is hereby authorized to execute any documents necessary to accomplish the same.

[Signature page to follow]

ADOPTED this 8TH day of SEPTEMBER, 2015.

**BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF SPRINGFIELD**

By: _____

JAMES E. DAILEY, PRESIDENT

Attest: _____

DONALD E. BERGER, JR., SECRETARY

THIS IS TO CERTIFY that the foregoing Resolution No. 1357 was unanimously adopted by the Springfield Township Board of Commissioners at a regularly scheduled meeting of the Board held on September 8, 2015, and that same has been duly recorded in the official Minute Book of the Township.

(SEAL)

Secretary




2015-28935-0000 10/30/2015 3:20 PM # 10538615
Declaration of Taking Eminent Domain Govt
Rcpt#2015-6-03104 Fee:\$62.50 Exhibit B
Mark Levy - MontCo Prothonotary

EXHIBIT "B"



GENERAL NOTES:

1. BOUNDARY INFORMATION TAKEN FROM CHELTENHAM TRANSPORTATION, LLC LAND DEVELOPMENT PLAN (SHEET 1 OF 6) DATED APRIL 9, 2015 PREPARED BY PROTRACT ENGINEERING, INC. EXISTING FEATURES INFORMATION FROM DELAWARE VALLEY REGIONAL PLANNING COMMISSION 2010 AERIAL IMAGE.
2. PROPERTY INFORMATION: TAX PARCEL NO. 52-00-17821-00-1
TAX BLOCK 52, UNIT 12
DEED BOOK 836, PAGE 146
1725 WALNUT AVENUE, ORELAND, PA 19075
TOTAL LOT AREA: 335,526 SF (7.7026 AC.)
ZONED I - INDUSTRIAL DISTRICT

TMP 52-00-17821-00-1 SPRINGFIELD TOWNSHIP MONTGOMERY COUNTY, PENNSYLVANIA		SITE LOCATION MAP Boucher & James, Inc. CONSULTING ENGINEERS DOYLESTOWN  STROUDSBURG CORPORATE HEADQUARTERS: 1456 FERRY RD, BLDG. 500 DOYLESTOWN, PA 18901 www.bjengineers.com	
SPRINGFIELD TOWNSHIP 1510 PAPER MILL ROAD WYNDMOOR, PA 19038			
DR. BY: TMW	CK. BY: MWE	SCALE: 1" = 150'	DATE: 09/11/2015
		JOB No. 9840000	SHEET: 1 OF 1

PA1998\9540000\Items Cor. Property\Site\Case Map.doc 3 10b\Items 21a Map 11 Sep. 11, 2010 - M. J. Jones, II, L.L.M.